

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOSHUA MELLO
PLAINTIFF

V.

C.A. No. 1:23-479-JJM-PAS

JOHN ROCCHIO, AND
EDWARD ARRUDA, DEFENDANTS

MOTION FOR CLARIFICATION ON DEFENDANT'S RULE 16 STATEMENT

In the Rule 16 statement, numerous misleading and false assertions are presented, giving rise to significant concerns regarding the accuracy of the events described. The statement purports that Plaintiff, upon receipt of a court order from Principal Vesey, which the law firm states Plaintiff “grabbed” and then engaged in actions implying an intent to tear the document, prompting School Resource Officer (SRO) Arruda to intervene forcefully, resulting in the document's tearing. Contrary to this narrative, testimonies of the defendants affirm that the Plaintiff directly tore the document. It is puzzling that legal representatives of the defendants would present accounts conflicting with their own witnesses' statements and sworn testimonies.

Moreover, a video crucial to the case was suppressed, preventing its presentation in court due to prosecutorial misconduct, which is stated in the “Motion for Reconsideration” (case # C.A. No. 23-480-JJM-LDA) and is one of the several reasons Mr. Mello is taking on Post-Conviction Relief. This footage purportedly demonstrates Principal Vesey handing the document to the Plaintiff without incident. Subsequently, SRO Arruda is said to have aggressively seized the document from the Plaintiff, resulting in its tearing as the Plaintiff has gestured to tearing up

CERTIFICATION

We certify that a true and accurate copy of the within was emailed and mailed, postage prepaid, to:

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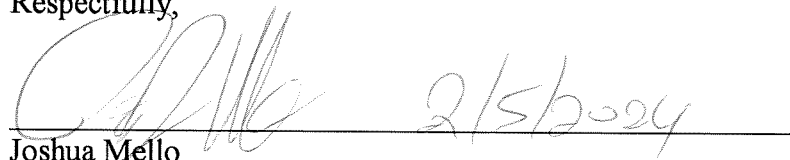
the invalid court order. This account contradicts both the defendants' witness statements and their sworn testimonies.

Furthermore, additional falsehoods are purported in the statement, particularly concerning events captured on video. The Plaintiff was misrepresented as exhibiting resistance as the officers walked the Plaintiff outside, when in fact, the video reveals Officer Rocchio forcefully handling the Plaintiff, and being forcefully slammed on a police cruiser hood. Additionally, the assertion that the Plaintiff refused medical treatment and was not taken to Roger Williams Medical Center is refuted by medical records and police statements. Again, why is the law firm presenting false statements to the courts?

Lastly, inaccuracies regarding the Plaintiff's possession of a weapon are cited, with the statement saying that he was carrying a deadly weapon other than firearms, suggesting a more severe charge than what the Plaintiff was charged with. This misrepresentation is concerning, as it aims to influence the court's perception of the Plaintiff's actions.

Given these discrepancies, it is imperative to question the integrity of the legal proceedings and the practices employed by the involved law firm. Such conduct, especially considering prior questionable actions during the Plaintiff's Post Conviction Relief (PCR) hearing, warrants scrutiny and redress. Therefore, these concerns are raised and I ask for clarification as to the ongoing misconduct and ensure the integrity of the legal process.

Respectfully,



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